

REMARKS

The Amendments to the claims have been set forth to obviate certain objections and rejections offered by the Examiner. No new matter has been added. These objections and rejections will be addressed in detail below.

Applicants thank the Examiner for the helpful comments during the telephonic interview between the Examiner, Richard Wagner and the undersigned, on January 14, 2004.

Clarification of Allowed Claims

Although Claims 18, 41 and 43 are identified as rejected in the Office Action Summary and conclusion, Applicants note that all rejections of these Claims are withdrawn, and that no new rejections of these claims have been made in the substantive portion of the Office Action. Therefore, Applicants wish to verify that these Claims should now be identified as allowed, along with allowed Claims 1, 2, 4-6 and 58.

Claim Objections

The Examiner has objected to Claims 42 and 44 for starting with the incorrect article. Claims 42 and 44 have been amended to start with “The” instead of “A”. Support for this change is found throughout the Specification. Reconsideration and withdrawal of the objection is respectfully requested.

Rejection of Claims 7-10, 17, 19 and 44 under 35 U.S.C. 112, first paragraph

The rejection of Claims 7-10, 17, 19 and 44 as not enabled is maintained.

The Examiner stated “It should be noted that the term ‘coiled-coil’ is being interpreted to read on the conformation of the *entire* [fusion molecule including an HDAG peptide and binding moiety]. Said term is vague and indefinite as outlined in the rejection made under 35 U.S.C. 112 (see below).” (emphasis added)

Applicants have amended the claims to clarify that the coiled-coil is formed by the hepatitis delta antigen (HDAG) peptides rather than a binding moiety. For example, Applicants have amended Claim 7 to clarify that the coiled-coil structure of the claimed coiled-coil oligomer

(comprising at least two fusion molecules of Claim 1) occurs between the HDAg peptides of each of the at least two fusion molecules. Likewise, Applicants have amended Claims 17, 19 and 44 to clarify that the coiled-coil structure of the recited coiled-coil oligomer is formed between the recited HDAg peptides. Support for these amendments is found throughout the specification, for example, at page 10, lines 2-6; page 32, lines 9-13; and page 47, lines 8-10 and 22-23.

Claims 8-10 depend from Claim 7 and, thus, contained the same amended element.

With regard to Claims 17, 19 and 44, the Examiner stated that the concept that the coiled coils are formed by contacting similar coiled oligomers is not recited in the rejected claims. Claims 17, 19 and 44 have been amended to more clearly indicate this concept. As amended, Claims 17 and 19 recite that the fragments form a coiled-coil oligomer “when contacted with a peptide consisting of amino acids 12 to 88 of the hepatitis delta antigen (HDAg) or a fragment thereof that forms a coil”. Similarly, the amendment to Claim 44 indicates that formation of the oligomer occurs between peptides consisting of amino acids 12 to 88 of the hepatitis delta antigen (HDAg) or a fragment thereof that forms a coil. Support for these amendments is found throughout the specification, for example, at page 10, lines 2-6.

As amended, the claims clarify that the coiled-coil structures of the oligomers do not involve the binding moieties, but, rather, are formed from the HDAg peptide monomers. Thus, particularly as amended, the claims are enabled.

Reconsideration and withdrawal of the rejection is respectfully requested.

Rejection of Claims 7-10, 17, 19 and 44 under 35 USC 112, second paragraph

The Examiner has maintained the rejection of Claims 7-10, 17, 19 and 44 under 35 USC 112, second paragraph, on the grounds that “it is still unclear whether the recitation of said term [coiled coil] in the rejected claims is meant to describe a conformational limitation of the oligomer or merely the HDAg portion of said oligomer.” As indicated above, the claims have been amended to clarify that the coiled-coil structure of the recited coiled-coil oligomer is formed between the recited HDAg peptides. Particularly as amended, the claims are definite.

Reconsideration and withdrawal of the rejection is respectfully requested.

CONCLUSION

In view of the above amendments and remarks, it is believed that all claims are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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